



Tim Ryle
Chief Deputy

Robert Chody
WILLIAMSON COUNTY SHERIFF
508 South Rock Street
Georgetown, Texas 78626
Phone (512) 943-1300 * Fax (512) 943-1444

Roy Etkac
Asst Chief Deputy- Law Enforcement

Randolph Doyer
Asst Chief Deputy - Corrections

May 8, 2019

Mackenzie Farkus
MuckRock News
DEPT MR 71961
411A Highland Ave
Somerville, MA 02144-2516

Ms. Farkus:

Enclosed is a copy of the brief sent to the Attorney General's Office and your request received on April 26, 2019.

Please note, you will need to reach out to Round Rock ISD for any other responsive information to this request.

Sincerely,



Amy Bass-Domel
Open Records



Tim Ryle
Chief Deputy

Robert Chody
WILLIAMSON COUNTY SHERIFF
508 South Rock Street
Georgetown, Texas 78626
Phone (512) 943-1300 * Fax (512) 943-1441

Scott E. Kac
Asst Chief Deputy - Law Enforcement

Randolph Dwyer
Asst Chief Deputy - Corrections

MEMORANDUM

To: Office of the Attorney General of Texas, Open Records Division
From: Amy Bass-Domel, Open Records, Williamson County Sheriff's Office
Date: May 8, 2019
Subject: Public Information Act Request

I. Introduction

On April 26, 2019, the Williamson County Sheriff's Office received a written request for information from Mackenzie Farkus with MuckRock News. A copy of the request is attached as **Exhibit A**.

The Williamson County Sheriff's Office asserts that all of the responsive information to this request, which is attached as **Exhibit B**, is excepted from disclosure under the Public Information Act ("PIA"). The Williamson County Sheriff's Office invokes all the exceptions provided by, and exceptions incorporated into, sections 552.101 through 552.158 of the PIA, specifically, sections 552.101 and 552.108. Pursuant to section 552.301(a) of the PIA, this brief is submitted to seek a decision whether the exceptions apply.

Please note the Williamson County Sheriff's Office is relying on OR2016-21706 as a previous determination to withhold dates of birth of living individuals.

II. Information Excepted from Required Disclosure Under § 552.101

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

Section 58.008 of the Family Code provides in pertinent part as follows:

(b) Except as provided by Subsection (d), law enforcement records concerning a child and information concerning a child that are stored by electronic means or otherwise from which a record could be generated may not be disclosed to the public and shall be:

- (1) if maintained on paper or microfilm, kept separate from adult records;
- (2) if maintained electronically in the same computer system as adult records, accessible only under controls that are separate and distinct from the controls to access electronic data concerning adults; and

- (3) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subsection (c) or Subchapter B, D, or E.

Exhibit B consists of a report on a criminal investigation conducted by the Williamson County Sheriff's Office. **Exhibit B** involves a juvenile suspect. The Williamson County Sheriff's Office asserts that **Exhibit B** is excepted from disclosure.

III. Information Excepted from Required Public Disclosure Under § 552.108

Texas Gov't Code § 552.108 provides in pertinent part:

- (a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure] if:
 - (1) release of the information would interfere with the detection, investigation or prosecution of crime;
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [required public disclosure] if:
 - (1) release of the internal record or notation would interfere with law enforcement or prosecution [.]

We note that a governmental body that claims an exception to disclosure under Section 552.108 must reasonably explain how and why this exception is applicable to the information that the governmental body seeks to withhold. Generally, an explanation that the information relates to a pending criminal investigation or prosecution establishes that release would interfere with the detection, investigation, or prosecution of crime. *See Houston Chronicle Publ's Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases); Open Records Decision No. 216 (1978).

Exhibit B consists of a report on a criminal investigation conducted by the Williamson County Sheriff's Office. As a result of the investigation, an arrest was made. That case is currently pending prosecution. Where an incident involving allegedly criminal conduct is under active investigation or prosecution, section 552.108 may be invoked by any proper custodian of information that relates to the incident. See Open Records Decision Nos. 474 (1987), 372 (1983); see also Open Records Decision No. 586 (1991). Release of **Exhibit B** would interfere with the pending prosecution of the criminal offense. The Williamson County Sheriff's Office asserts that **Exhibit B** is excepted from disclosure under Section 552.108(a)(1)(b)(1) of the PIA.

IV. Conclusion

The Williamson County Sheriff's Office respectfully requests a decision from the Open Records Division of the Office of the Attorney General regarding the applicability of all the exceptions provided by, and the exceptions incorporated into, sections 552.101 and 552.108 of the Public Information Act.

Please do not hesitate to contact me if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy Bass-Domel', written in a cursive style.

Amy Bass-Domel
Open Records
Williamson County Sheriff's Office

Enclosure
Exhibits A
Exhibits B (PROVIDED ONLY TO ATTORNEY GENERAL)

cc: Mackenzie Farkus
MuckRock News
DEPT MR 71961
411A Highland Ave
Somerville, MA 02144-2516

EXHIBIT “A”

Amy Bass-Domel

From: 71961-76605996@requests.muckrock.com
Sent: Friday, April 26, 2019 9:55 AM
To: WCSO Open Records
Subject: Texas Public Information Act Request: Westwood High School Active Threat

EXTERNAL email: Exercise caution when opening.

Williamson County Sheriff
Texas Public Information Act Office
508 S Rock St
Georgetown, TX 78626

April 26, 2019

This is a follow up to a previous request:

To Whom It May Concern:

Pursuant to the Texas Public Information Act, I hereby request the following records:

The official police report concerning a lockdown on April 3, 2019, at Westwood High School, 12400 Mellow Meadow Dr, Austin, TX 78750, as well as emails in correspondence with Principal Mario Acosta from April 3-6, 2019.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days, as the statute requires.

Sincerely,

Mackenzie Farkus

Filed via MuckRock.com

E-mail (Preferred): 71961-76605996@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fwilliamson-county-sheriff-11535%252Fwestwood-high-school-active-threat-71961%252F%253Femail%253Dwcso-openrecords%252540wilco.org&url_auth_token=AAA3_-dhwmuthunirkqp-t-otX8%3A1hK2C6%3AQ0eSsh_T_qvU2jpSDI-VMPYjmA

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

Exhibit A

For mailed responses, please address (see note):

MuckRock News

DEPT MR 71961

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request was filed by a MuckRock staff reporter. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On April 26, 2019:

Hello Dianne,

Thanks for your clarification!

Sincerely,

Mackenzie Farkus

On April 25, 2019:

Good afternoon Ms. Farkus,

Please note that our office does not handle open records requests for the Williamson County Sheriff's Office. You will need to send your request to them at WCSO-OpenRecords@wilco.org or fax them your request to: (512) 943-1444. I am attaching their form for your convenience.

If you should have any questions or concerns, please don't hesitate to contact us.

Thank you,

Dianne M. Flores

Civil Legal Assistant

Williamson County Attorney's Office

405 MLK Street, #7

Georgetown, Texas 78626

Tel: 512.943.1158

Fax: 512.943.1431

dmflores@wilco.org

On April 18, 2019:

To Whom It May Concern:

Pursuant to the Texas Public Information Act, I hereby request the following records:

The official police report concerning a lockdown on April 3, 2019, at Westwood High School, 12400 Mellow Meadow Dr, Austin, TX 78750, as well as emails in correspondence with Principal Mario Acosta from April 3-6, 2019.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days, as the statute requires.

Sincerely,

Mackenzie Farkus

Filed via MuckRock.com

E-mail (Preferred): 71961-76605996@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fwilliamson-county-sheriff-11535%252Fwestwood-high-school-active-threat-71961%252F%253Femail%253Dwcso-openrecords%252540wilco.org&url_auth_token=AAA3_-dhwmuthunirkqp-t-otX8%3A1hK2C6%3AQtoeSsh_T_qvU2jpSDI-VMPYjmA

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For mailed responses, please address (see note):

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